

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

THE RELIGIOUS SISTERS OF
MERCY, *et al.*,

Plaintiffs,

v.

SYLVIA BURWELL, *et al.*,

Defendants

No. 3:16-cv-00386-RRE-ARS

**Declaration of Monsignor James
Patrick Shea**

1. My name is Monsignor James Patrick Shea. I am over the age of 21 and am capable of making this declaration pursuant to 28 U.S.C. § 1746. I have not been convicted of a felony or crime involving dishonesty. The facts contained herein are within my personal knowledge. If I were called upon to testify to these facts, I could and would competently do so.

2. In 2009, I was inaugurated as the sixth President of the University of Mary—a position I still hold. I began my undergraduate work at Jamestown College, studying English and history. I then entered the seminary for the Diocese of Bismarck, earning a bachelor's degree and a pontifical master's degree (licentiate) in philosophy at the Catholic University of America in Washington, D.C. I studied classical Greek at the University of Texas at Austin and continued at the Vatican's North American College, studying theology at the Gregorian and Lateran universities in Rome. I have studied management at the University of Chicago's Graduate School

of Business and I am also an alumnus of the Institutes for Higher Education at the Graduate School of Education, Harvard University.

3. I am a Knight Commander of the Holy Sepulchre of Jerusalem, and I serve on the Board of Directors for FOCUS, the Fellowship of Catholic University Students. I have served on the National Advisory Council to the United States Conference of Catholic Bishops and the Governor's Commission on Education Improvement for the State of North Dakota. I am also a Trustee of Saint John Vianney Seminary in Denver and a member of the Executive Committee of the Board for the Association of Benedictine Colleges and Universities.

4. The University of Mary has a long tradition of carrying out the mission of Jesus Christ through education. In 1878, a brave group of Benedictine Sisters arrived in Dakota Territory to bring ministries of healing and learning, founding schools and hospitals to serve the community.

5. In 1959, the Benedictine Sisters of the Annunciation founded Mary College, offering degrees in education and nursing. Over time, the college expanded and added additional programs. In the 1980s, it added its first graduate program, in nursing, and became the University of Mary.

6. The University strives to infuse all of its programs with Christian, Catholic, Benedictine values to prepare its students to be ethical leaders in their careers and their communities. The University welcomes students of all faiths and

backgrounds and, as is fundamental to its mission, upholds Catholic teaching in all of its programs and services.

7. For example, the University's freshman and sophomore students are required to live on campus. The University residence life program has been designed to be a co-curricular student learning program. The program is structured to help students learn by participating in a residence life community where the programming and policies are designed to encourage students to practice Christian virtues and the University's Benedictine values.

8. The University has a long history of offering medical education inspired by its Catholic faith. For example, the University is one of only a few in the United States to offer a master's degree in bioethics, designed to help professionals make morally sound decisions about responsible use of biomedical advances. The program is offered in partnership with the National Catholic Bioethics Center.

9. As it has since its founding, the University offers a nursing program. It provides several nursing degrees at the undergraduate, graduate and doctoral level. The University's nursing program on June 17, 2016 received a three-year grant for over \$1 million from the Department of Health and Human Services. That grant is intended to aid in training nurses to improve rural healthcare in North Dakota.

10. The University holds religious beliefs that sexual identity is an objective fact rooted in nature as male or female persons. The University believes that every

man and woman is created in the image and likeness of God and that they reflect God's image in unique—and uniquely dignified—ways.

11. The University also has a student health clinic that operates in accordance with the Ethical and Religious Directives of the United States Conference of Catholic Bishops. It would violate the University of Mary's religious beliefs if it were forced to use this health clinic to provide or facilitate services for a gender transition or abortion.

12. As part of its religious beliefs, the University offers health benefits to its employees. The University has over 360 employees. Approximately 347 of these employees are eligible for health insurance benefits from the University.

13. The University operates a self-funded health plan which provides coverage for its employees through a third-party administrator. The same plan provides coverage for all employees, whether in the nursing program or outside the nursing program.

14. It would violate the religious beliefs of the University if it were forced to offer a health plan that included benefits for abortions, sterilizations, or any drugs or procedures related to gender transition. The University sincerely believes that offering such coverage would constitute impermissible material cooperation with evil.

15. The Regulation also makes it more expensive for the University to work with its third-party administrator. The Regulation subjects the third-party administrator to potential liability for administering the University's religious health

plan, and we expect that the third-party administrator will require us to indemnify it for this potential liability.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 17, 2016.

Monsignor James C. Shea
Monsignor James Patrick Shea